

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN THE MATTER OF:  
**EXUM DARRELL KING,**

Debtor(s)

Case No: B-1081589 C-13D

OBJECTION BY STANDING TRUSTEE TO CONFIRMATION OF PLAN

NOW COMES Richard M. Hutson, II, Standing Trustee (“Trustee”) and respectfully objects to confirmation of the Debtor’s plan pursuant to 11 U.S.C. §1325 and shows unto the Court the following:

1. The Debtor filed a petition under Title 11 of the United States Code, Chapter 13, on August 31, 2010, in the United States Bankruptcy Court for the Middle District of North Carolina.
2. On August 31, 2010, Richard M. Hutson, II, was appointed as Trustee.
3. This Court has proper and personal jurisdiction of the subject matter hereof and over the parties pursuant to 28 U.S.C. §§151, 157 and 1334, and the Standing Order entered by the United States District Court for the Middle District of North Carolina and this is a core proceeding within 28 U.S.C. §157(b).
4. The petition filed by the Debtor proposes a monthly plan payment of \$99.00 per month for a period of at least 36 months. The plan projects a five percent (5%) dividend for general unsecured creditors.
5. The attorney for the Debtor has requested a fee of \$3,000.00 in this case. Of this amount, the Debtor has paid \$2,323.00 prior to the filing of the petition, leaving a balance of \$677.00 to be paid through the Chapter 13 plan.
6. The Trustee objects to confirmation of the plan, in particular, the attorney fee requested and partially paid in this case. It is an established policy in this District that attorney fees are reduced to \$2,000.00 for any case that proposes less than \$5,000.00 in distributions to creditors. The plan base in this case is approximately \$3,564.00. Accordingly, the attorney for the Debtor should not be entitled to a fee of \$3,000.00.

WHEREFORE, the Trustee prays the Court for an Order as follows:

1. That the Debtor's plan not be confirmed and the case be dismissed for cause pursuant to 11 U.S.C. §1307;
2. Alternatively, that the plan be amended to provide for an attorney fee of only \$2,000.00, which would further require a refund from Debtor's counsel to the Debtor of \$323.00; or
3. For such other and further relief as the Court may deem just or proper.

This the 12<sup>th</sup> day of October, 2010.

s/Benjamin E. Lovell  
Benjamin E. Lovell  
Attorney for the Trustee  
State Bar No: 23266  
P.O. Box 3613  
Durham, N.C. 27702

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon John T. Orcutt, Esq., 6616-203 Six Forks Rd., Raleigh, NC 27615, Exum D. King, 160 Kingston Dr., Chapel Hill, NC 27514, and Michael D. West, Esq., U.S. Bankruptcy Administrator, PO Box 1828, Greensboro, NC 27402 by depositing a copy of same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure.

This 12<sup>th</sup> day of October, 2010.

s/Benjamin E. Lovell  
Benjamin E. Lovell, Esq.  
Attorney for the Standing Trustee